

## **REMARKS/ARGUMENTS**

The Office Action mailed August 10, 2006 has been reviewed and carefully considered. Claims 1-4, 6, 8-33 are pending in this application, with claims 1, 20, 26 and 29 being the independent claims. Claims 12, 13, and 19 are withdrawn from consideration. Claims 29-33 are new. This Amendment is submitted with a concurrently filed Request for Continued Examination. A check in the amount of \$2,210 for the RCE filing fee, the 3-month extension fee and the fee for the addition of the four new claims (including independent claim 29) is enclosed. It is respectfully requested that the Examiner review and reconsider the amended claims and new claims in view of the following remarks.

### **Claim Amendments**

Independent claim 1 is amended to recite the limitations of dependent claims 5 and 7. Independent claims 20 and 26 are similarly amended.

Dependent claims 2, 6, 8, and 9 are amended to be consistent with the changes to independent claim 1.

### **Rejection of Claims**

Claims 1-6, 10, 14, 15-18, and 20-28 stand rejected under 35 U.S.C. §102(b) as anticipated by U.S. Patent No. 6,206,853 (Bonnet).

Claims 7, 8, and 9 stand rejected under 35 U.S.C. §103 as unpatentable over Bonnet in view of U.S. Patent No. 6,186,980 (Brunel).

Claim 11 stands rejected under 35 U.S.C. §103 as unpatentable over Bonnet.

Independent claim 1 is amended to recite “said barrel having a radial flange arranged between said forward end and said rear end”, “a first retainer fixedly coupled to said hollow shield body to prevent axial movement of said first retainer with respect to said hollow

shield body, said first retainer releasably securing said syringe barrel in said first position, and a second retainer spaced axially from said first retainer, wherein said radial flange is positioned between said first and second retainers when said syringe barrel is in said second position”, and “an urging member arranged between a portion of said hollow shield body and said flange of said syringe barrel such that an urgency is directed to said radial flange”.

The combined teaching of Bonnet and Brunel fail to disclose “wherein said radial flange is positioned between said first and second retainers when said syringe barrel is in said second position” and “an urging member acting on a portion of said hollow shield body and said radial flange of said syringe barrel for urging said syringe barrel from said first position toward said second position”, as now expressly recited in independent claims 1, 20, and 26.

Bonnet discloses a self-retracting syringe needle comprising a body 1 having an injection needle support means 3 at one end 2 (see col. 3, lines 14-16; and Fig. 1 of Bonnet). The body 1 can slide in a sheath 5 and a spring 6 is arranged between the body 1 and the sheath (col. 3, lines 16-18). At least one flexible lug 7 is carried by the sheath 5 and abuts a first position 18 of the body 1 to hold the body 1 in a first position relative to the sheath 5 (col. 3, lines 36-40). The syringe further includes a circlip 9 fitted around the body 1 in a position between the sheath 5 and the body 1 in the first position (col. 3, lines 56-59). A piston 4 cooperates with lugs 7 at the end travel of the piston 4 so that the position 18 is released from the lugs 7 and the spring urges the body 1 to retract into the sheath until the body is immobilized at a second position by the circlip 9 (col. 4, lines 1-9).

In a further embodiment, Bonnet discloses a body 1 with a sheath 5 as described above. In addition, a sleeve 11 carries lugs 7 which immobilize a flange 36 on the body 1 (col. 6, lines 64-67). In this further embodiment of Bonnet, a circlip 9 is also used to hold the body 1 in the second position.

Since Bonnet teaches that the spring 6 acts on a forward end of the body 1 or flange 36 and since Bonnet teaches that a circlip 9 holds the body at the second position, Bonnet fails to teach or suggest “wherein said radial flange is positioned between said first and second retainers when said syringe barrel is in said second position” and “an urging member acting on a portion of said hollow shield body and said radial flange of said syringe barrel for urging said syringe barrel from said first position toward said second position”, as expressly recited in each of independent claims 1, 20 and 26.

Brunel fails to disclose what Bonnet lacks. Brunel discloses a single use device for injection including a conventional syringe 1 with a protective sheath 7 having front 8 and rear body 9 (see abstract of Brunel). A locking ring 24 locks the syringe (see e.g., col. 7, lines 57-64). As seen in Fig. 1, a spring 42 acts between shoulder 31 of the syringe 1 and the front body 8 of the sheath 7. A rib 27 of the locking ring 24 interacts with the rear body 9 to hold the syringe 1 at a first position. After injection, a thruster 6 of the injection device cooperates with tabs of the locking ring 24 to release ribs 27 (see col. 8, lines 41-45), thereby allowing the spring 42 to urge the syringe 1 to the second position in which ribs 28 of the locking ring 24 are locked between ribs 22 and shoulder 20 (col. 8, lines 51-57). Since the spring 42 acts on flange 31, and separate ribs 27, 28 of the locking ring 24 hold the syringe in the first and second position, Brunel also fails to teach or suggest “wherein said radial flange is positioned between said first and second retainers when said syringe barrel is in said second position” and “an urging member acting on a portion of said hollow shield body and said radial flange of said syringe barrel for urging said syringe barrel from said first position toward said second position”, as recited in independent claims 1, 20, and 26.

In view of the above, independent claims 1, 20, and 26 are allowable over the combined teachings of Bonnet and Brunel.

Dependent claims 2-4, 6, 8-19, 21-25, and 27-28, each being dependent on one of independent claims 1, 20, and 26, are allowable for at least the same reasons described above with reference to independent claims 1, 20, and 26, as well as for the additional reasons contained therein.

Applicants have added new claims 29-33. Claim 29 is an independent claim directed to a medical device having a reservoir, a plunger and a hollow shield body. The reservoir has "a unitarily molded feature", and the hollow shield body has "a second retainer portion for directly engaging the unitarily molded feature of the reservoir to secure the hollow shield body in the second position". Support for these features are found in the present application such as in FIGs. 11 and 12, and paragraph [0042 ] of the published application.

Bonnet does not teach or suggest the highlighted features of new claim 29 because Bonnet requires the use of the circlip 9 which is a separate piece from the barrel or body 1. The circlip is described as being "fitted around the body 1 in a position compressed between the sheath 5 and the body in the first immobilizing position". Bonnet, Col. 3 lines 57-59. The circlip 9 expands to engage the sleeve part 11 (i.e. a retainer portion) to hold the body in the second immobilizing position. Bonnet, Col. 4 lines 39-40. Thus, Bonnet does not have a unitarily molded feature on the reservoir which is directly engaged by a second retainer portion to secure the hollow shield body in the second position, as recited in new claim 29.

The injection device of Brunel, likewise, does not have a reservoir in direct engagement with the protective sheath. Rather, a separate part, namely, a locking ring 24, acts as an interface between the sheath 7 and the barrel 1 such that the locking ring engages features on

the sheath, namely tabs 21 having hooks 22 to retain the barrel in a second position. Brunel, Col. 6 lines 16-20. Thus, Brunel does not have a unitarily molded feature on the reservoir which is directly engaged by a second retainer portion to secure the hollow shield body in the second position, as recited in new claim 29.

For at least these reasons, new claim 29 is believed to be patentable over Brunel and Bonnet, whether considered separately or in combination with each other. Therefore, claims 30 –33 which depend from claim 29 are also believed to be allowable.

The application is now deemed to be in condition for allowance and notice to that effect is solicited.

It is believed that no additional fees or charges are required at this time in connection with the present application. However, if any additional fees or charges are required at this time, they may be charged to our Patent and Trademark Office Deposit Account No. 03-2412.

Respectfully submitted,  
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Dated: February 8, 2007